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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

C059 US

In re Application of: Hill et al

Application No.: 09/737,908

Filed: December 15, 2000

For: Novel Upopeptides As Antimicrobial Agents

The owner, Cubist Pharmaceuticals Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 8,794,490 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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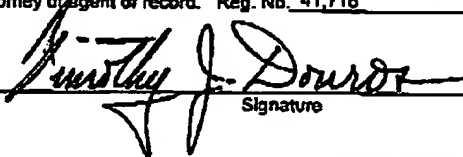
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 41,718

  
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March 14, 2005  
Date

Timothy J. Douros  
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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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